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December 22, 2011

BY ECF

Honorable Lois Bloom
United States Magistrate
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Richard Gilliard v. The City of New York, et al., 10 Civ. 5247 (BMC)

Your Honor:

I represent the plaintiff Richard Gilliard in the above case. Pursuant to Your Honor's December 20, 2011 scheduling order, enclosed please find plaintiff's list of persons and places that may be referred to at trial.

Pursuant to the Court's Order, dated December 20, 2011, plaintiffs respectfully submit the following list of people and places that may be referred to at trial:

Richard Gilliard;

Humberto Kibel;

Eddie Martins;

Barbara Sobolewski;

Arrow Steel Inc.;

Gerardo Rivera;

Rayon Smith;

Shobha Heera, M.D.;

Carlton McKenzie;

Andrew Smarts;

Marcy Housing Project, Brooklyn, New York;

482 Marcy Avenue, Brooklyn, New York;
488 Marcy Avenue, Brooklyn, New York;
605 Park Avenue, Brooklyn, New York;
623 Park Avenue, Brooklyn, New York;
Ellerin Street, Brooklyn, New York;
Flushing Avenue, Brooklyn, New York;
Nostrand Avenue, Brooklyn, New York;
Police Service Area ("PSA") 3, Brooklyn, New York; and
Woodhull Medical Center, Brooklyn, New York.

For the Court's description and to aid in jury selection, plaintiff respectfully submits the following description of the case. Plaintiff claims that on August 4, 2009, he was falsely arrested and subjected to excessive force at the Marcy Housing Project in Brooklyn, New York by defendants Humberto Kibel and Eddie Martins, in violation of plaintiff's Fourth Amendment rights. Plaintiff also claims that Barbara Sobolewski failed to intervene to prevent defendants Kibel and Martins from violating plaintiff's Fourth Amendment rights. Defendants contend that they had probable cause to arrest plaintiff, and that any force used against plaintiff was reasonable under the circumstances. Defendant Sobolewski further submits that because plaintiff's rights were not violated, there was no duty to intervene. Defendants thus deny liability to plaintiff.

Thank you for your consideration.

Respectfully submitted,

/s/

Robert T. Perry (RP-1199)

cc.: Gregory P. Mouton, Jr., Esq. (via ECF)
Erica M. Haber, Esq. (via ECF)
Assistant Corporation Counsel